

## **Stage I Vapor Recovery Program Instructions for Completing Form E**

### **Stage I Form E** **New Stage I System Owner, Lessee, Operator or Controller** **Notification**

*These instructions have been designed to assist those who own and/or manage Stage I systems in completing forms required by the Department of Environmental Protection (MassDEP). Please refer to the full text of the Stage I Program regulations (310 CMR 7.00, Definitions, and 310 CMR 7.24(3), Distribution of Motor Vehicle Fuel), which govern this Program. These instructions do not create any legal rights, and are not a substitute for the Program regulations.*

#### **When Is a Stage I Form E Used?**

Form E is used to notify MassDEP of a change in a facility's Stage I System owner, lessee, operator or controller, including applicable Stage I System Responsible Official(s) and recipients of Annual Stage I System Compliance Fee billing documents.

#### **When Is a Stage I Form E Submitted to MassDEP?**

Form E must be submitted to MassDEP within 30 days of any change of Stage I System owner, lessee, operator or controller, Stage I System Responsible Official, or person receiving Annual Stage I System Compliance Fee billing documents.

#### **Identification of Stage I System Responsible Officials with Authority to Sign Stage I Documents**

For each Stage I facility, a Responsible Official must be identified for purposes of ensuring Stage I program compliance. Depending on the contractual relationship between a Stage I facility owner and a lessee, both the facility owner and the lessee may identify a Responsible Official for those aspects of Stage I program compliance each is responsible for.

**Please Note:** In cases where both a Stage I facility owner and a lessee have identified a Responsible Official, in order for applicable Stage I documents to be submitted fully completed, each Responsible Official must answer those compliance questions for which he or she is responsible and both must sign the applicable Stage I document attesting to the document's accuracy.

#### **Who can be a Stage I System Responsible Official?**

Any person identified to be a Stage I System Responsible Official must have authority to legally bind the business for those aspects of Stage I program compliance he or she is responsible for. The Stage I System Responsible Official must be:

- In a sole proprietorship, the company's sole proprietor.
- In a partnership, a general partner with authority to bind the partnership.
- In a corporation or a non-profit corporation, a corporate official with authority to bind the corporation, e.g., president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision making functions of the corporation.

- In a municipality or other public agency, a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency.
- In a trust, a trustee or any other natural person authorized to enter into contracts regarding the trust property.
- In a limited liability company, a person authorized pursuant to M.G.L. c. 156C, § 24 and the limited liability company's operating agreement to bind the company and all the members.

**Please Note:** Within a corporation or a municipality or other public agency, the Stage I System Responsible Official must have the authority to bind the organization with respect to Stage I facilities for which he or she has been designated as "Stage I System Responsible Official". For example, in a large corporation, a district manager may be designated to serve as the Responsible Official for one or several Stage I facilities, as long as the designee has obtained the needed authority from the corporation.

**What is the Stage I System Responsible Official Attesting To?**

By signing the Form E. Stage I System Responsible Official Compliance Certification, the Stage I System Responsible Official(s) attests that, for each aspect of Stage I program compliance for which he or she is responsible:

- he or she has personally examined, and is familiar with, the information contained in the form and all its attachments and that the information is true, accurate and complete; or
- based on his or her inquiry of the person(s) responsible for providing the information to which he or she is attesting, the information is true, accurate and complete;
- systems to maintain compliance are in place at the facility;
- he or she is authorized to attest on behalf of the facility; and
- he or she is aware that there are significant penalties for submitting false information, including possible fines and imprisonment.

**Please Note:** For purposes of this certification statement, "systems to maintain compliance" means procedures that the Stage I facility owner and/or operator has established to ensure that visual inspections and required tests are conducted, that broken or defective components are repaired or replaced and that required records are maintained.

**How Should a Stage I Form E be Submitted to MassDEP?**

Please mail the Stage I Form E to:

MassDEP  
Bureau of Air and Waste  
Stage I Program  
P.O. Box 120-165  
Boston, MA 02112-0165

## **Directions For Completing a Stage I Form E**

### **Section A. New Stage I Facility Documentation**

#### **1. MassDEP Stage I Facility Account Number**

Please indicate the MassDEP Stage I Facility Account number on record in the MassDEP Stage II database.

#### **2. Former Stage I Facility Documentation**

To ensure the correct facility records are updated, please provide the former facility name and address.

**Please Note:** Former facility specific information, as found in the MassDEP Stage II database (name, address, MassDEP Facility Account #, etc), can be found on copies of a facility's previous years annual certification documents or by calling the MassDEP Stage II Hotline (617-556-1035).

#### **3. New Stage I Facility Documentation**

If the name of the Stage I facility has changed, please provide the new facility name and address.

### **Section B. New Stage I System Responsible Official Documentation**

Section B. shall only be completed if the current contact information for one or both Stage I System Responsible Officials has changed from that currently found in MassDEP's Stage II database.

If the contact information for one or both Stage I System Responsible Officials has changed, please provide the new Responsible Official contact information in Section B.1. and check the appropriate box in B.2. indicating the source of authority for each new Responsible Official.

### **Section C. New Annual Stage I System Compliance Fee Billing Documentation**

Section C. shall only be completed if the contact information for the company paying the annual Fuel Dispensing Facility Compliance Fee has changed from that currently on record in the MassDEP Stage II database.

**Please Note:** To ensure correct billing, please provide the effective date the new company became responsible for paying the Annual Fuel Dispensing Facility Compliance Fee.

### **Section D. Underground Storage Tank Ownership Information**

If the new Stage I Responsible Officials are also the owners of the underground storage tanks than an updated **UST Facility Registration Form** must be submitted to the MassDEP UST program.

**Please note:** The MassDEP UST program will be replacing the current FP-290 & FP-290R form with a new **UST Facility Registration form** in the spring of 2015.

### **Section E. Stage I System Responsible Official Compliance Certification**

Section E. shall be completed by the Stage I System Responsible Official(s). As applicable, each Responsible Official shall answer those questions he or she is responsible for and sign and date the Form as required.

**Please Note:**

- If either Stage I System Responsible Official #1 or #2 has changed, the new Responsible Official must answer all questions in Section E. as applicable, and sign and date the Form E.

**Stage I Materials and MassDEP Resources:**

- To obtain a copy of your facility's applicable **Stage I CARB Executive Order**, please go to the CARB web page link below and search for your Stage I system's CARB Executive Order number:

<http://www.arb.ca.gov/vapor/eo.htm>

- To obtain a copy of the **MassDEP Stage I Vapor Recovery Weekly Inspection & Compliance Guidance**, please go to MassDEP's Stage II Web Page:

<http://www.mass.gov/eea/agencies/massdep/air/programs/stage-ii-vapor-recovery.html>

Blank forms and instructions, program regulations, and additional Stage I materials are also available at MassDEP's Stage II web page.

**If you have any questions or need more information, please call MassDEP's Stage II Hotline (617-556-1035).**